

ESTTA Tracking number: **ESTTA486477**Filing date: **07/31/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	BHPC ASSOCIATES LLC		
Entity	limited liability corporation	Citizenship	Delaware
Address	1370 Broadway New York, NY 10018 UNITED STATES		

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com Phone:212-2925390
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Registration Subject to Cancellation

Registration No	4099621	Registration date	02/14/2012
Registrant	Royal County of Berkshire Polo Club Ltd. North Street Winkfield, Windsor Berkshire, SL4 4th UNITED KINGDOM		

Goods/Services Subject to Cancellation


Class 003. First Use: 2011/06/06 First Use In Commerce: 2011/06/06 All goods and services in the class are cancelled, namely: Non-medicated toiletries, perfumery, aftershave, cleaning, styling and straightening preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, personal deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel
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Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2091892	Application Date	08/15/1995
Registration Date	08/26/1997	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 perfume [, cologne, toilet water, soap, skin moisturizer and creams] ,shower gel, [shaving cream, shaving lotion, shaving gel, shampoo, baby powder, body powder, face powder, talcum powder, nail polish, nail polish remover, cosmetic pencils, bath and body oil, make-up, lipstick, lip gloss, skin lotions, facial lotions, body lotions, hand cream,] deodorants and anti-perspirants and and after shave lotions
Attachments	74715704#TMSN.gif (1 page)(bytes) 073112 PetitionA.pdf (29 pages)(769699 bytes) 073112 PetitionB.pdf (3 pages)(1174083 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/robert l. epstein/
Name	Robert L. Epstein
Date	07/31/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

	x	
	:	
BHPC ASSOCIATES LLC,	:	
	:	
Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	
	:	
ROYAL COUNTY OF BERKSHIRE POLO	:	
CLUB LTD	:	
	:	
Registrant.	x	

PETITION OF CANCELLATION


Petitioner, BHPC Associates LLC, of 1370 Broadway, New York City, New York 10018, believes that it is being damaged by Registration No. 4099621 issued February 14, 2012 for the trademark ROYAL BERKSHIRE POLO CLUB and Polo Player Design in International Class 003 and therefore petitions to cancel said registration.

As grounds for its petition, Petitioner, by and through its undersigned attorneys, alleges as follows:

1. Continuously and long prior to the filing date of February 16, 2006 of Application Serial No. 78816061 upon which Registration No. 4099621 is based, Petitioner has offered and continues to offer a variety of goods, including fragrances, eau de toilette, shower gel, bath gel, body and hair shampoo, after shave lotion, and deodorants bearing the mark BEVERLY HILLS POLO CLUB and a design including the image of a polo player on horseback swinging his mallet (the "BEVERLY HILLS POLO CLUB and Polo Player Design mark").

2. Over a prolonged period of time, Petitioner has invested a substantial amount of time, effort and money promoting its BEVERLY HILLS POLO CLUB and Polo Player Design mark and the goods bearing that mark. As a result of its promotional efforts, a tremendous volume of sales, and extensive use of the BEVERLY HILLS POLO CLUB and Polo Player Design mark, Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark has attained widespread acclaim in the United States, and has come to be exclusively recognized as identifying the products of Petitioner. Since long before any use of or alleged rights of Registrant in the mark of Registration No. 4099621 sought to be cancelled, Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark has become distinctive of Petitioner's goods and represents a tremendous amount of goodwill of Petitioner's business.

3. In addition to its common law rights, Petitioner owns the following incontestable United States trademark registrations of the BEVERLY HILLS POLO CLUB and the Polo Player Design mark for use in the aggregate in connection with Petitioner's goods:

MARK	Class(es)	REGISTRATION NUMBER	REGISTRATION DATE
	003	2091892	08-26-1997

4. Petitioner's registration is valid, subsisting, in full force and effect, incontestable, and are evidence of Petitioner's exclusive rights to use its registered marks on the identified goods, pursuant to 15 U.S.C. §§ 1057 and 1115.

5. Upon information and belief, Royal County of Berkshire Polo Club Ltd. ("Registrant") filed with the United States Patent and Trademark Office an Application Ser. No. 78816061 dated February 16, 2006, for the trademark ROYAL BERKSHIRE POLO CLUB and Polo Player Design ("Registrant's Mark") for the following goods in International Class 003: "Toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel".

6. Upon information and belief, said Application Ser. No. 78816061 was allowed by the United States Patent and Trademark Office and issued into Registration No. 4099621 on February 14, 2012, the registration which Petitioner seeks to cancel.

7. Registrant is not connected to Petitioner in any way and has not been authorized by Petitioner to use the mark of Registration No. 4099621.

COUNT I: Priority and Likelihood of Confusion

8. Petitioner repeats and re-alleges each and every allegation contained in paragraphs 1 through 7 as if fully set forth herein.

9. Upon information and belief, Petitioner acquired rights in the BEVERLY HILLS POLO CLUB and Polo Player Design mark prior to any date on which Applicant can rely in connection with the mark of Registration No. 4099621.

10. Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark is the same as or similar to the mark of Registration No. 4099621 in appearance, sound, meaning and commercial impression, both marks including the words POLO CLUB and confusingly similar polo player images, arranged in a similar manner, with the confusingly similar polo player images situated above the words POLO CLUB.

11. The goods of the respective parties are identical or commercially related, and/or the conditions and activities surrounding the marketing of same are such that they would or could be encountered by the same persons under circumstances that could give rise to the mistaken belief that they originate from the same source.

12. As a result, the mark of Registration No. 4099621, when used in connection with the goods identified said registration, is likely to cause confusion or mistake or to deceive and mislead the trade and the purchasing public into believing that Registrant's goods are the goods of Petitioner, or that Registrant or its goods are authorized, licensed or controlled by Petitioner, or that Registrant is affiliated with or in some way related to Petitioner. Accordingly, any such use or/and the continued registration of the mark of Registration No. 4099621 would and does violate Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

13. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 4099621.

COUNT II: FRAUD

14. Petitioner repeats and realleges each of the allegations set forth in Paragraphs 1 through 13 of the Petition above, as though same were fully set forth herein.

15. On February 16, 2006, Petitioner's attorney filed Application Serial No. 78816061 on behalf of Registrant. A copy of Application Serial No. 78816061 is attached hereto as **Exhibit A**.

16. Application Serial No. 78816061 contained a representation that applicant has a bona fide intention to use Registrant's Mark in commerce with the goods and/or services identified in the application in International Class 003.

17. On February 14, 2007, Registrant's attorney filed a Response to Office Action which amended the identification of goods in International Class 003 to read: "Non-medicated toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel". A copy of that Response to Office Action, without attachments, is annexed hereto as **Exhibit B**.

18. On June 9, 2011, Registrant's attorney filed a Statement of Use which included the following representation with respect to the use of Registrant's Mark on the goods in International Class 003: "The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class". A copy of that Statement of Use is annexed hereto as **Exhibit C**.

19. The representation as to Applicant's bona fide intent to use Registrant's Mark in commerce the use with the goods in International Class 003 set forth in Application Serial No. 78816061 of Exhibit A, and the representation as to the use of Registrant's Mark on the goods in International Class 003 in the Statement of Use of Exhibit C were each submitted on behalf of Registrant to induce the USPTO issue Registration No. 4099621, were relied upon by the USPTO in issuing Registration No. 4099621, and the USPTO would not have issued Registration No. 4099621 without same. Accordingly, said representations as to Applicant's

bona fide intent to use of the mark in commerce on the goods in International Class 003 identified in the application, and the representations as to the use of Registrant's Mark on the goods in International Class 003, as amended, set forth in the Statement of Use, submitted on behalf of Registrant, were material to the issuance of Registration No. 4099621.

20. Upon information and belief, as of February 16, 2006, the date of filing of Application Serial No. 78816061, Registrant did not have a bona fide intent to use Registrant's Mark in commerce on or in connection with some or all of the goods or services identified in International Class 003 in Application Serial No. 78816061.

21. Upon information and belief, as of June 9, 2011, the date Registrant's attorney filed the Statement of Use in Application Serial No. 78816061 on behalf of Registrant, Registrant's Mark was not in use, in commerce on or in connection with some or all of the goods or services identified in International Class 003, as amended.

22. Upon information and belief, the representations as to Applicant's bona fide intention to use Registrant's Mark in commerce on the goods or services identified in Application Serial No. 78816061, as originally filed, were false.

23. Upon information and belief, the representations in the Statement of Use as to the use of Registrant's Mark in commerce on the goods or services identified in Application Serial No. 78816061, as amended, were false.

24. Upon information and belief, the representations as to Applicant's bona fide intention to use Registrant's Mark in commerce on the goods or services identified in Application Serial No. 78816061, as originally filed, were made by or on behalf of Registrant with knowledge of the falsity thereof.

25. Upon information and belief, the representations in the Statement of Use as to the use of Registrant's Mark in commerce on the goods or services identified in Application Serial

No.78816061, as amended, were made by or on behalf of Registrant with knowledge of the falsity thereof.

26. Upon information and belief, the representations as to Applicant's bona fide intention to use Registrant's Mark in commerce on the goods or services identified in Application Serial No.78816061, as originally filed, were made by or on behalf of Registrant with a reckless disregard for the truth or validity thereof.

27. Upon information and belief, the representations in the Statement of Use as to the use of Registrant's Mark in commerce on the goods or services identified in Application Serial No.78816061, as amended, were made by or on behalf of Registrant with a reckless disregard for the truth or validity thereof.

28. Upon information and belief, the representations as to Applicant's bona fide intention to use Registrant's Mark in commerce on the goods or services identified in Application Serial No.78816061 were made by or on behalf of Registrant with intent to deceive the USPTO into issuing Registration No. 4099621, when it otherwise would not have issued Registration No. 4099621.

29. Upon information and belief, the representations in the Statement of Use as to the use of Registrant's Mark in commerce on the goods or services identified in Application Serial No.78816061, as amended, were made by or on behalf of Registrant with intent to deceive the USPTO into issuing Registration No. 4099621, when it otherwise would not have issued Registration No. 4099621.

30. Upon information and belief, Registration No. 4099621 is invalid because it was obtained by fraud and should be cancelled in its entirety.

31. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 4099621.

COUNT III – ABANDONMENT

32. Petitioner repeats and realleges each of the allegations set forth in Paragraphs 1 through 31 of the Petition above, as though same were fully set forth herein.

32. Upon information and belief, Registrant has not used Registrant's Mark in commerce on some or all of the goods identified in Registration No. 4099621.

33. Upon information and belief, Registrant has abandoned any right it may have, or may have had, to use Registrant's Mark on the goods identified in Registration No. 4099621.

34. Upon information and believe, Registrant has abandoned Registration No. 4099621.

35. Upon information and belief, Registration No. 4099621 is invalid because of abandonment and should be cancelled in its entirety.

36. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 4099621.

WHEREFORE, it is respectfully requested that this petition for cancellation be sustained and that the Registration No. 4099621 be cancelled.

Respectfully submitted,

EPSTEIN DRANGEL LLP

By: 

Robert L. Epstein
William C. Wright
Jason M. Drangel
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel. No.: (212) 292-5390
Fax. No.: (212) 292-5391

Dated: July 31, 2011

EXHIBIT A

Trademark/Service Mark Application, Principal Register

Serial Number: 78816061

Filing Date: 02/16/2006

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK FILE NAME	\\TICRS\EXPORT7\IMAGEOUT7 788\160\78816061\xml1\AP P0002.JPG
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	ROYAL BERKSHIRE OF POLO CLUB
COLOR MARK	NO
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	928 x 901
OWNER SECTION	
NAME	Royal County of Berkshire Polo Club Ltd.
STREET	North Street Winkfield, Windsor
CITY	Berkshire
ZIP/POSTAL CODE	SL4 4th
COUNTRY	United Kingdom
EMAIL	trademarks@eitangroup.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	United Kingdom
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003

DESCRIPTION	Toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	014
DESCRIPTION	Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	014
DESCRIPTION	Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	22186
FOREIGN REGISTRATION COUNTRY NAME	European Community (EMX)
FOREIGN REGISTRATION DATE	12/18/2000
FOREIGN EXPIRATION DATE	04/01/2006
FOREIGN RENEWAL DATE	04/01/2006
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	018
DESCRIPTION	Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrells, parasols and walking sticks; whips, harnesses and saddlery
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	018
	Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls,

DESCRIPTION	handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrells, parasols and walking sticks; whips, harnesses and saddlery
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	22186
FOREIGN REGISTRATION COUNTRY NAME	European Community (EMX)
FOREIGN REGISTRATION DATE	12/18/2000
FOREIGN EXPIRATION DATE	04/01/2006
FOREIGN RENEWAL DATE	04/01/2006
SIGNATURE SECTION	
SIGNATURE	/te/
SIGNATORY NAME	A. Tally Eitan
SIGNATORY DATE	02/16/2006
SIGNATORY POSITION	Attorney for Applicant
PAYMENT SECTION	
NUMBER OF CLASSES	3
NUMBER OF CLASSES PAID	3
SUBTOTAL AMOUNT	975
TOTAL AMOUNT	975
PAYMENT METHOD	DA
ATTORNEY	
NAME	A. Tally Eitan
FIRM NAME	Eitan Law Group, Eitan Mehulal Pappo Kugler
INTERNAL ADDRESS	c/o Edna Eisemann
STREET	18106 Kitchen House Court
CITY	Germantown
STATE	Maryland
ZIP/POSTAL CODE	20874
COUNTRY	United States
PHONE	518-280-8924

FAX	301-972-0370
EMAIL	trademarks@eitangroup.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	T-8252-US
OTHER APPOINTED ATTORNEY(S)	Vladimir Sherman
CORRESPONDENCE SECTION	
NAME	A. Tally Eitan
FIRM NAME	Eitan Law Group, Eitan Mehulal Pappo Kugler
INTERNAL ADDRESS	c/o Edna Eisemann
STREET	18106 Kitchen House Court
CITY	Germantown
STATE	Maryland
ZIP/POSTAL CODE	20874
COUNTRY	United States
PHONE	518-280-8924
FAX	301-972-0370
EMAIL	trademarks@eitangroup.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Thu Feb 16 09:31:28 EST 2006
TEAS STAMP	USPTO/BAS-21214310136-200 60216093128006885-7881606 1-2009daecdad1c87ead4bcc8 b5b0bcdcc-DA-1102-200602 16093039246128

Trademark/Service Mark Application, Principal Register

Serial Number: 78816061

Filing Date: 02/16/2006

To the Commissioner for Trademarks:

MARK: ROYAL BERKSHIRE OF POLO CLUB (stylized and/or with design, see mark)

The literal element of the mark consists of ROYAL BERKSHIRE OF POLO CLUB.

The applicant, Royal County of Berkshire Polo Club Ltd., a corporation of United Kingdom, residing at North Street Winkfield, Windsor, Berkshire, United Kingdom, SL4 4th, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 003: Toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel.

International Class 014: Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals

International Class 018: Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of European Community registration number 22186, registered 12/18/2000 with a renewal date of 04/01/2006 and an expiration date of 04/01/2006, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 014: Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of European Community registration number 22186, registered 12/18/2000 with a renewal date of 04/01/2006 and an expiration date of 04/01/2006, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 018: Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

The applicant hereby appoints A. Tally Eitan and Vladimir Sherman of Eitan Law Group, Eitan Mehulal Pappo Kugler, c/o Edna Eisemann, 18106 Kitchen House Court, Germantown, Maryland, United States, 20874 to submit this application on behalf of the applicant. The attorney docket/reference number is T-8252-US.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: trademarks@eitangroup.com.

A fee payment in the amount of \$975 will be submitted with the application, representing payment for 3 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /te/ Date: 02/16/2006

Signatory's Name: A. Tally Eitan

Signatory's Position: Attorney for Applicant

Mailing Address:

A. Tally Eitan
c/o Edna Eisemann
18106 Kitchen House Court
Germantown, Maryland 20874

RAM Sale Number: 1102

RAM Accounting Date: 02/16/2006

Serial Number: 78816061

Internet Transmission Date: Thu Feb 16 09:31:28 EST 2006

TEAS Stamp: USPTO/BAS-21214310136-200602160931280068

85-78816061-2009daecdad1c87ead4bcc8b5b0b

cedcc-DA-1102-20060216093039246128



Royal Berkshire
POLO CLUB

EXHIBIT B

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78816061
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (003)(current)	
INTERNATIONAL CLASS	003
DESCRIPTION	
Toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	22186
FOREIGN REGISTRATION COUNTRY	EM
FOREIGN REGISTRATION DATE	12/18/2000
FOREIGN EXPIRATION DATE	04/01/2006
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (003)(proposed)	
INTERNATIONAL CLASS	003
DESCRIPTION	
Non-medicated toiletries, perfumery, aftershave, cleaning, styling and straightening preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, personal deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (014)(current)	
INTERNATIONAL CLASS	014

DESCRIPTION	
Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (014)(proposed)	
INTERNATIONAL CLASS	014
DESCRIPTION	
Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals, namely, ashtrays, badges, blazer buttons, boxes, buckles, candlesticks, cosmetic powder compacts, cuff links, desktop ornaments, figurines, goblets, jewelry boxes, key chains, key rings, medals, perfume flasks, perfume sprayers, picture frames, rings, trinkets and trophies.	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	22186
FOREIGN REGISTRATION COUNTRY	European Community
FOREIGN REGISTRATION DATE	12/18/2000
FOREIGN EXPIRATION DATE	04/01/2016
FOREIGN RENEWAL DATE	04/01/2016
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	FRU1-212143103120- 051221321 . Certificate of Registration.pdf
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	\\TICRS2\EXPORT12\788\160 \78816061\xml1\ROA0005.JP G
GOODS AND/OR SERVICES SECTION (018)(current)	
INTERNATIONAL CLASS	018
DESCRIPTION	

Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrells, parasols and walking sticks; whips, harnesses and saddlery	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (018)(proposed)	
INTERNATIONAL CLASS	018
DESCRIPTION	
Leather goods and imitation leather goods, namely, leather and imitation leather bags, belts, briefcases, credit card holders, key cases, key holders, leashes, cases, portfolios, purses, traveling suitcases, wallets, sports bags, straps and traveling bags; articles of luggage; athletic bags, shopping bags made of skin, beach bags, cosmetic bags, diaper bags, duffel bags, garment bags for travel, gym bags, makeup bags sold empty, overnight bags, school bags, school book bags, shoulder bags, suit bags, tote bags, travel bags, and umbrella bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry all bags and carry-on bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	22186
FOREIGN REGISTRATION COUNTRY	European Community
FOREIGN REGISTRATION DATE	12/18/2000
FOREIGN EXPIRATION DATE	04/01/2016
FOREIGN RENEWAL DATE	04/01/2016
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	<u>\\TICRS2\EXPORT12\788\16078816061\xml1\ROA0009.JP G</u>

ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	"No claim is made to the exclusive right to use ROYAL BERKSHIRE apart from the mark as shown."
MISCELLANEOUS STATEMENT	Applicant is the owner of US Registration No. 2525322
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/TE/
SIGNATORY'S NAME	A. Tally Eitan
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	02/14/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 14 05:24:41 EST 2007
TEAS STAMP	USPTO/ROA-212.143.103.120 -20070214052441359321-788 16061-360e0dc16c9f01f7231 f143e858e7b22cfe-N/A-N/A- 20070214051221321844

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78816061** has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 003 for Toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel

Original Filing Basis: 1(b); and 44(e).

Proposed: Class 003 for Non-medicated toiletries, perfumery, aftershave, cleaning, styling and straightening preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, personal

deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel

Filing Basis: 1(b).

Deleted Filing Basis: 44(e)

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 014 for Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals

Original Filing Basis: 1(b); and 44(e).

Proposed: Class 014 for Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals, namely, ashtrays, badges, blazer buttons, boxes, buckles, candlesticks, cosmetic powder compacts, cuff links, desktop ornaments, figurines, goblets, jewelry boxes, key chains, key rings, medals, perfume flasks, perfume sprayers, picture frames, rings, trinkets and trophies.

Filing Basis: 44(e).

Deleted Filing Basis: 1(b)

Section 44(e) Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [European Community registration number 22186 registered 12/18/2000 with a renewal date of 04/01/2016 and an expiration date of 04/01/2016], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Original PDF file:

FRU1-212143103120-051221321 . Certificate of Registration.pdf

Converted PDF file(s) (4 pages)

Foreign Registration-1

Foreign Registration-2

Foreign Registration-3

Foreign Registration-4

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 018 for Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

Original Filing Basis: 1(b); and 44(e).

Proposed: Class 018 for Leather goods and imitation leather goods, namely, leather and imitation leather bags, belts, briefcases, credit card holders, key cases, key holders, leashes, cases, portfolios, purses, traveling suitcases, wallets, sports bags, straps and traveling bags; articles of luggage; athletic bags, shopping bags made of skin, beach bags, cosmetic bags, diaper bags, duffel bags, garment bags for travel, gym bags, makeup bags sold empty, overnight bags, school bags, school book bags, shoulder bags, suit bags, tote bags, travel bags, and umbrella bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry all bags and carry-on bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

Filing Basis: 44(e).

Deleted Filing Basis: 1(b)

Section 44(e) Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [European Community registration number 22186 registered 12/18/2000 with a renewal date of 04/01/2016 and an expiration date of 04/01/2016], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Original PDF file:

FRU2-212143103120-051221321 . Certificate of Registration.pdf

Converted PDF file(s) (4 pages)

Foreign Registration-1

Foreign Registration-2

Foreign Registration-3

Foreign Registration-4

Additional Statements

"No claim is made to the exclusive right to use ROYAL BERKSHIRE apart from the mark as shown."

Applicant is the owner of US Registration No. 2525322

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Response Signature

Signature: /TE/ Date: 02/14/2007

Signatory's Name: A. Tally Eitan

Signatory's Position: Attorney for Applicant

Serial Number: 78816061

Internet Transmission Date: Wed Feb 14 05:24:41 EST 2007

TEAS Stamp: USPTO/ROA-212.143.103.120-20070214052441

359321-78816061-360e0dc16c9f01f7231f143e

858e7b22cfe-N/A-N/A-20070214051221321844

EXHIBIT C

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78816061
LAW OFFICE ASSIGNED	LAW OFFICE 110
EXTENSION OF USE	NO
MARK SECTION	
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
CURRENT IDENTIFICATION	Non-medicated toiletries, perfumery, aftershave, cleaning, styling and straightening preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, personal deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	06/06/2011
FIRST USE IN COMMERCE DATE	06/06/2011
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT11\IMAGEOUT 11\788\160\78816061\xml4\</u> <u>SOU0002.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT 11\788\160\78816061\xml4\</u> <u>SOU0003.JPG</u>
SPECIMEN DESCRIPTION	photos of the goods bearing the mark
REQUEST TO	NO

DIVIDE	
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
ORIGINAL PDF FILE	<u>hw 21214310137-025235211 . signed SOU cl3.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT11\IMAGEOUT11\788\160\78816061\xml4\SOU0004.JPG</u>
SIGNATORY'S NAME	M.B.J. Amore
SIGNATORY'S POSITION	General Manager
FILING INFORMATION	
SUBMIT DATE	Thu Jun 09 02:58:35 EDT 2011
TEAS STAMP	USPTO/SOU-212.143.101.37- 20110609025835392268-7881 6061-48072739e5d8047d7162 474862e9934d5-DA-8956-201 10609025235211930

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: ROYAL BERKSHIRE POLO CLUB (stylized and/or with design)
SERIAL NUMBER: 78816061

The applicant, Royal County of Berkshire Polo Club Ltd., having an address of
North Street Winkfield, Windsor
Berkshire, SL44th
United Kingdom

is submitting the following allegation of use information:

For International Class 003:

Current identification: Non-medicated toiletries, perfumery, aftershave, cleaning, styling and straightening preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, personal deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/06/2011, and first used in commerce at least as early as 06/06/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) photos of the goods bearing the mark.

Specimen File1

Specimen File2

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Original PDF file:

hw_21214310137-025235211_.signed.SOU.cl3.pdf

Converted PDF file(s) (1 page)

Signature File1

Signatory's Name: M.B.J. Amooore

Signatory's Position: General Manager

RAM Sale Number: 8956

RAM Accounting Date: 06/09/2011

Serial Number: 78816061

Internet Transmission Date: Thu Jun 09 02:58:35 EDT 2011

TEAS Stamp: USPTO/SOU-212.143.101.37-201106090258353

92268-78816061-48072739e5d8047d716247486


2e9934d5-DA-8956-20110609025235211930

Declaration

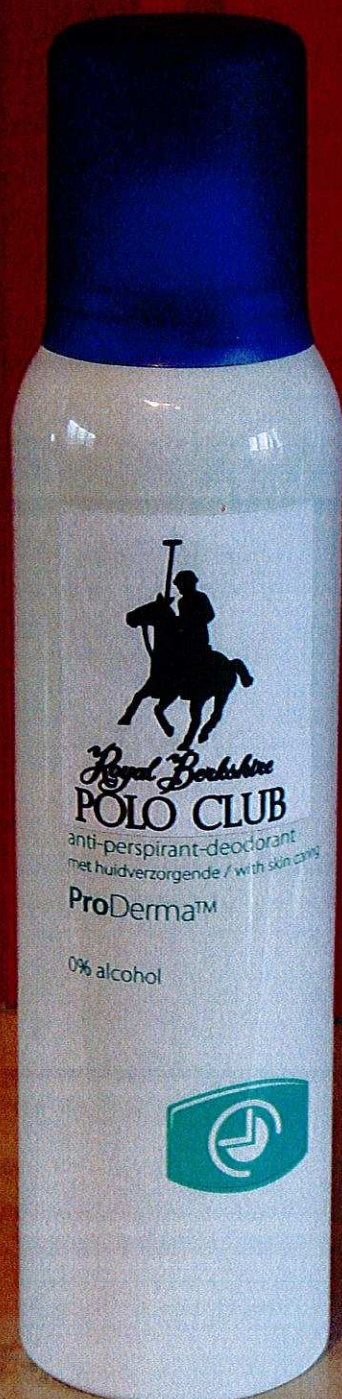
Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature Section:

Signature: 
Signatory's Name: M. R. J. Hmsong
Signatory's Position: GENERAL MANAGER
Date Signed: 8/6/11

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information and the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.



Royal Berkshire
POLO CLUB

anti-perspirant-deodorant
met huidverzorgende / with skin care

ProDerma™

0% alcohol





CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 31st day of July, 2012, upon Registrant's attorney of record:

A. Tally Eitan, Esq.
c/o Edna Eisemann
18106 Kitchen House Court
Germantown, Maryland 20874

BY:


Robert L. Epstein
